

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SIMCHA FELDMAN, YECHIEL
SHUKRON, SHALOM KOLDETZKY, ARON
BENISHU, ISRAEL HODER, MEIR
FOGEL, RAPHAEL ARIEH, RACHAMIM
BERACHA, TZVI LEFKOVITZ, SHLOMO
KORITZ, TZVI ANSBACHER, RUCHAMA
TOLEDANO, RAPHAEL BITAN, NAOR
AMAR, ISRAEL BEN-EZRA, ARYEH
LEVI, ELCHANAN ELMISHALI, and
MEIR EDELSHTEIN,

ORDER

20 Civ. 7270 (NRB)

Plaintiffs,

- against -

YECHEZKEL STRULOVITCH, CS
CONSTRUCTION GROUP LLC,
GLAUBERS CHASIDISHA CLOTHING
LLC, GLAUBERS QUALITY CLOTHING
LLC, GLAUBERS TRADITIONAL
CLOTHING LLC, 945 PARK PL LLC,
1078 DEKALB LLC, 74 VAN BUREN
LLC, 454 CENTRAL AVENUE LLC,
980 ATLANTIC HOLDINGS LLC, PENN
CONDIMINIUM LLC, THROOP HOME,
LLC, EIGHTEEN PROPERTIES LLC,
THE BUSHWICK PARTNERS LLC,
BROOKLYN VENTURES LLC, THE
HOWARD DAY HOUSE LLC, 196
ALBANY HOLDINGS L.P., CSN
PARTNERS LP, KNICKERBOCKER
LOFTS LLC, 1301 PUTNAM LLC, 741
LEXINGTON LLC, 296 COOPER LLC,
WILLTROUT REALTY LLC, STAGG
STUDIOS LLC, FIRST AVENUE
REALTY HOLDINGS L.P., CSY
HOLDINGS LLC, CAS MANAGEMENT
COMPANY BAYSHORE, INC., 31
BROOKLYN LLC, 1035 FLUSHING AVE
LLC, VICTORY BLVD ASSOCIATE
LLC, SOI GROUP LLC, 945
WILLOUGHBY HOLDINGS LLC, 119
HOLDINGS LLC, WALLACE HOLDINGS
LLC, 1642 EQUITIES LLC, BNH

PROPERTIES LLC, HERMAN
GREENFELD as trustee of GIVAS
OLIM TRUST, MENDEL BRACH as
trustee of GIVAS OLIM TRUST,
TOMPKINS 420 REALTY LLC,
WILLOUGHBY EQUITIES LLC, 186
LENOX LLC, 400 SOUTH 2ND STREET
REALTIES L.P., WYKOFF SP LLC,
1428 FULTON ST LLC, PENN &
MARCY LLC, 420 TOMPKINS, LLC,
599-601 WILLOUGHBY LLC, CS YH
CONDOS LLC, LENOX 186 HOLDINGS
LLC, LENOX 186 REALTY LLC, 400
SOUTH 2ND STREET HOLDINGS L.P.,
R.P.S. PROPERTIES LLC, FULTON
STREET HOLDINGS LLC, 908 BERGEN
STREET LLC, 901 BUSHWICK AVENUE
LLC, GATES EQUITY HOLDINGS LLC,
853 LEXINGTON LLC, 348 ST.
NICHOLAS LLC, 762 WILLOUGHBY
LLC, 855 DEKALB AVENUE LLC, THE
BRIDGE TOWER LLC, 619 HOLDINGS
LLC, GRAND SUITES LLC, CATALPA
DEVELOPMENT, LLC, SLOPE OFFICES
LLC, 41-49 SPENCER LLC, 482-484
SENECA LLC, 1217 BEDFORD LLC,
1266 PACIFIC LLC, MYRTLINO
HOLDINGS, LLC, 259 BERRY LLC,
and 261 BERRY LLC,

Defendants.

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NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

Plaintiffs have failed to serve eleven defendants with their
Third Amended Complaint within the 90 days mandated by Rule 4(m)
nor sought any extension thereof. In fact, 334 days have passed
since the Third Amended Complaint was filed without service

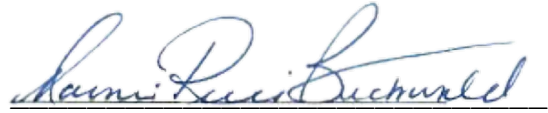
thereof. Thus, in its Order of August 25, 2022, this Court directed plaintiffs to show cause why the Third Amended Complaint should not be dismissed.

Plaintiffs claim that their efforts to negotiate an agreement to arbitrate with other defendants that resulted in a stay of the claims against those other defendants, who agreed to arbitrate constitutes "good cause" for their failure to serve these defendants who were not involved in these negotiations and to whom the stay does not apply, is legal nonsense. Beyond the obvious legal flaw in the argument, plaintiffs own actions demonstrate that they do not believe their argument: plaintiffs never suggested that the "stay" prevented yet other defendants from moving to dismiss their complaint.

Finally, plaintiffs request that the dismissal be without prejudice does not acknowledge that any effort to serve defendants would be fruitless as the claims would be barred by the statute of limitations for the reasons we have already set forth at pages 11 to 18 of our August 17, 2022 Memorandum and Order, ECF No. 128.

SO ORDERED.

Dated: New York, New York
September 13, 2022



NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE